

Rec'd PCT/PTO 10 DEC 2001

PATENT APPLICATION #17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Tasuku HONJO, et al.

Appln. No.: 09/674,379

Group Art Unit: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Examiner: Not Yet Assigned

Filed: October 30, 2000

For: A NOVEL POLYPEPTIDE, A CDNA ENCODING THE POLYPEPTIDE AND
UTILIZATION THEREOF

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

ATTN: BOX PCT

Commissioner for Patents
Washington, D.C. 20231


Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," for the above application, Applicant respectfully submits herewith the Declaration for the above identified application properly executed by the three inventors named in the underlying PCT application. The undersigned has been advised by the Applicant/assignee that, after the execution of the enclosed Declaration in November, 2000 by the three named inventors, it was determined there are nine additional people who should have been named as inventors. Applicant has been attempting to obtain the signatures of the additional inventors together with the original named inventors, on a new Declaration as well as a Statement of Added Inventors, indicating that the error in inventive entity arose without any deceptive intent. However, as of today's date, which is the last day for responding to the Notice to File Missing Parts, not all signatures had been obtained (also, some signatures were obtained incorrectly without a date). Therefore, Applicant will be filing in the near future, as soon as correctly and completely executed documents can be obtained, a Petition to correct inventorship to add the additional inventors.

Also enclosed please find Submission of Formal Drawings and two (2) sheets of drawings, Statement in Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825, thirty (30) pages of Sequence Listing, a computer readable form of the Sequence Listing, and a Petition for Extension of Time.

Checks for the statutory fee of \$166.00(130.00 late Declaration fee + 36.00 excess claim fee) and Petition for Extension of Time fee of \$1960.00 are attached. Please also charge any underpayment or credit any overpayment to Deposit Account No. 19-4880. A duplicate copy of this paper is attached.

Respectfully submitted,



Mark Boland

Registration No. 32,197

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MXB/amt
Date: December 10, 2001

12/21/2001 HNGUYEN 00000117 09674379

02 FC:154
03 FC:966

130.00 OP
36.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.

09/674379

FIRST NAMED APPLICANT

HONJO

ATTY. DOCKET NO.

Q61531

INTERNATIONAL APPLICATION NO.

PCT/JP99/02284

I.A. FILING DATE

28 APR 99

PRIORITY DATE

28 APR 98

DATE MAILED:

09 MAY 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
☒ Copy of the international application. ☒ Translation of the international application into English.
☐ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments. ☐ Other:
☐ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ 18.00 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☒ PTO-875

☒ PCT/DO/EO/920

Barbara A. Campbell

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3631

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Tasuku HONJO et al.

Appln. No.: 09/674,379

Confirmation No.: Unassigned

Group Art Unit: Unassigned

Filed: October 30, 2000

Examiner: Unassigned

For: A NOVEL POLYPEPTIDE, A cDNA ENCODING THE POLYPEPTIDE AND
UTILIZATION THEREOF

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. §371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US)**

Commissioner for Patents
Washington, D.C. 20231
Box PCT

Sir:

This response is in regard to the Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office issued in the above-referenced patent application. The Notification of Missing Requirements was mailed May 9, 2001, and set a two month period for response. Attached hereto and herein incorporated by reference is a Petition for a five-month extension of time, making the due date for response December 9, 2001. As December 9, 2001, was a Sunday, this response is timely filed as it is being filed on or before Monday, December 10, 2001.

In the attached Notification to Comply, the Examiner states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825.

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Q61531

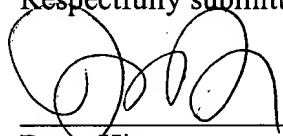
The Examiner further states that Applicants must provide an initial or substitute paper copy of compact disc of the "Sequence Listing," as well as a statement that the contents of the paper and the computer readable form are the same and include no new matter.

Accordingly, Applicants include herewith a paper copy and CRF copy of the Sequencing Listing, a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825, and a copy of the Notification of Missing Requirements. Applicants further request entry of the Sequence Listing into the pending application.

Applicants assert that this Response to the Notification of Missing Requirements and the enclosures are being timely filed, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

Accordingly, Applicants respectfully request that the Examiner acknowledge that the Sequence Listing in the present application meets the requirements of 37 C.F.R. §§1.821-1.825.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

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Date: December 10, 2001

Rec'd PCT/PTO 10 DEC 2001

PATENT APPLICATION #5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Tasuku HONJO, et al.

Appln. No.: 09/674,379

Group Art Unit: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Examiner: Not Yet Assigned

Filed: October 30, 2000

For: A NOVEL POLYPEPTIDE, A CDNA ENCODING THE POLYPEPTIDE AND
UTILIZATION THEREOF

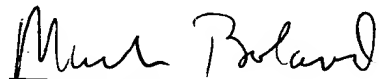
SUBMISSION OF FORMAL DRAWINGS

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith please find two (2) sheets of formal drawings. The Examiner is respectfully requested to acknowledge receipt of these formal drawings.

Respectfully submitted,



Mark Boland
Registration No. 32,197

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Date: December 10, 2001